

DIVISION OF WATER RIGHTS

PERMIT TERMS

(Subject to continuous revision)



March 2001

STATE WATER RESOURCES CONTROL BOARD

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PERMIT TERMS

PERMIT TERM 5A Quantity - Direct Diversion, -- single POD

When Used: For direct diversion if the quantity and season apply to all uses.

Term:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed ____ cubic feet (foot) per second* to be diverted from ____ to ____ of each year.** The maximum amount diverted under this permit shall not exceed ____ acre-feet per year.***

(0000005A)

* If less than 0.025 cfs, express in gallons per day.

** For year-round season, use January 1 to December 31 of each year.

*** Do not use this sentence 1) when annual use is less than 1 acre-foot, except in the Tahoe Basin where the sentence should be used for annual use of 0.1 acre-foot or more, or 2) for nonconsumptive use.

PERMIT TERM 5B Quantity - Direct Diversion, -- multiple uses, PODs, etc.

When Used: For direct diversion if there are multiple uses and different seasons of diversion for the various uses.

Term:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed ____ cubic feet (foot) per second* by direct diversion from ____ to ____ of each year for purposes; ____ cubic feet (foot) per second* by direct diversion from ____ to ____ of each year for purposes. The maximum amount diverted under this permit for all uses shall not exceed ____ acre-feet per year.**

(0000005B)

* If less than 0.025 cfs, express in gallons per day.

** Do not use this sentence 1) when annual use is less than 1 acre-foot, except in the Tahoe Basin where the sentence should be used for annual use of 0.1 acre-foot or more, or 2) for nonconsumptive use.

PERMIT TERM 5C Quantity - Storage, -- single reservoir

When Used: For storage in a single reservoir.

Term:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed ____ acre-feet per annum to be collected from ____ of each year to ____ of the succeeding year.*

(0000005C)

* For year-round season, use January 1 to December 31 of each year.

PERMIT TERM 5D Quantity - Storage, -- multiple reservoirs

When Used: For storage in more than one reservoir.

Term:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of ____ acre-feet per annum to be collected from ____ of each year to ____ of the succeeding year* as follows: ____ acre-feet per annum in ____ Reservoir, _____ acre-feet per annum in _____ Reservoir, etc.**

(0000005D)

* For year-round season, use January 1 to December 31 of each year.

** Excess quantity over cumulative capacity should be listed as "replenishment".

PERMIT TERM 5E Quantity - Direct Diversion and Storage, same season

When Used: For direct diversion and storage during the same season.

Term:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed ____ cubic feet (foot) per second* by direct diversion and ____ acre-feet per annum by storage from ____ of each year to ____ of the succeeding year.

The total amount of water to be taken from the source shall not exceed ____ acre-feet per water year of October 1 to September 30.

(0000005E)

- If less than 0.025 cfs, express in gallons per day.

PERMIT TERM 5F Quantity - Direct Diversion and Storage, different seasons

When Used: For direct diversion and storage during different seasons.

Term:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed ____ cubic feet (foot) per second* by direct diversion to be diverted from ____ to ____ of each year and ____ acre-feet per annum by storage to be collected from ____ of each year to ____ of the succeeding year.

The total amount of water to be taken from the source shall not exceed ____ acre-feet per water year of October 1 to September 30.

(0000005F)

* If less than 0.025 cfs, express in gallons per day.

PERMIT TERM 5G Quantity - Direct Diversion, multiple, and Storage

When Used: For direct diversion and storage if there are multiple uses with different seasons of diversion.

Term:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed (a) by direct diversion: ____ cubic feet (foot) per second* from ____ to ____ of each year for purposes, and cubic feet (foot) per second* from ____ to ____ of each year for _____ purposes, and (b) by storage: ____ acre-feet per annum to be collected from ____ of each year to ____ of the succeeding year. The total amount of water to be taken from the source for all uses shall not exceed acre-feet per water year of October 1 to September 30.

(0000005G)

* If less than 0.025 cfs, express in gallons per day.

PERMIT TERM 5H Quantity - Underground Storage

When Used: For underground storage.

Term:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed ____ acre-feet per annum to be collected to underground storage at a maximum rate of _____ cubic feet (foot) per second from ____ to ____ of each year.

(0000005H)

PERMIT TERM 5I No Offseason Storage

When Used: For storage when season is not year-round.

Term:

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(0000005I)

PERMIT TERM 5J Rate of Diversion to Offstream Storage

When Used: In combination with a storage quantity term, if offstream storage is proposed.

Term:

The maximum rate of diversion to offstream storage shall not exceed ____cubic feet (foot) per second.*

(0000005J)

* Use gallons per day if appropriate.

PERMIT TERM 5K Quantity – Storage and Replenishment of Reservoir(s)

When Used: For replenishment of storage Reservoir(s).

Term:

The water appropriated shall not exceed ____acre-feet per annum to be collected from ____of each year to ____of the succeeding year, including ____acre-feet for replenishment of initial storage withdrawn for beneficial use. The total withdrawal from the reservoir shall not exceed _____acre-feet per water year of October 1 to September 30.

(0000005K)

PERMIT TERM 5L Amount - Storage Multiple filings on Reservoir(s)

When Used: For Multiple storage filings where other filing is already permitted or licensed.

Term:

The total quantity of water collected to storage under this permit and Permit/License _____ (Application _____) shall not exceed ____ acre-feet per year.

(0000005L)

PERMIT TERM 5M Amount - Storage Multiple filings on Reservoir

When Used: For Multiple storage filings where other filing is being licensed.

Term:

The total quantity of water collected to storage under this permit and License _____
(Application _____) shall not exceed ____ acre-feet per year.

(0000005M)

PERMIT TERM 5N All Reservoir Storage Projects – Capacity of Reservoir(s)

When Used: For all storage filings.

Term:

The capacity of the reservoir covered by this permit (Application _____) shall not exceed
_____acre-feet.

(0000005N)

PERMIT TERM 5P Amount – Storage -- Multiple filings on Reservoir(s)

When Used: Required for Multiple storage filings where other filing is already permitted or licensed.

Term:

In recognition of the water rights held under Applications _____ and _____, the capacity of Reservoir _____ shall not exceed ____ acre-feet, the capacity of Reservoir _____ shall not exceed ____ acre-feet, and the capacity of Reservoir _____ shall not exceed ____ acre-feet, which are the stated capacities in the application.

(0000005P)

PERMIT TERM 6 Reduction in License

When Used: All permits.

Term:

The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

PERMIT TERM 9 Complete Use

When Used: All permits.

Term:

Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, ____.*

(0000009)

* December 31 of the tenth year following the issuance of the permit, except where use is for municipal or other purposes which will require a longer time (approved by the Board typically through hearing or workshop item) to develop full use after construction is completed.

PERMIT TERM 10 Progress Reports

When Used: All permits.

Term:

Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued.

(0000010)

PERMIT TERM 11 Access to Project

When Used: All permits.

Term:

Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

PERMIT TERM 12 Continuing Authority

When Used: All permits.

Term:

Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

PERMIT TERM 13 Water Quality Objectives

When Used: All permits.

Term:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1)adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2)the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

PERMIT TERM 14 Endangered Species

When Used: All permits, licenses or small domestic registrations.

Term: This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

4-15-99

PERMIT TERM 15 Water Diversion and Use Record

When Used: All permits.

Term:

Permittee shall maintain records of the amount of water diverted and used to enable the State Water Resources Control Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

PERMIT TERM 20 Reserved Jurisdiction -- Frost Protection

When Used: All permits for frost protection.

Term:

The SWRCB reserves jurisdiction to impose conditions to conform this permit to SWRCB policy on use of water for frost protection. Action by the SWRCB will be taken only after notice to interested parties and opportunity for hearing.

(0000020)

PERMIT TERM 21A Duplication of Existing Rights --.Storage Included

When Used: If applicant claims an existing right (e.g., riparian, pre-1914, or prescriptive) for the same place of use but the right has not been adjudicated or otherwise finally determined.

Term:

During the season specified in this permit, the total quantity and rate of water diverted, stored, and used under this permit and under permittee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion, storage, and use, respectively, specified in this permit. If the permittee's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion, storage, and use allowed under this permit shall be the net of the face value of the permit less the amounts of water available under the existing right.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of the claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the State Water Resources Control Board.

Permittee shall take and use water under the existing right claimed by permittee only in accordance with law.

(0000021A)

PERMIT TERM 21B Duplication of Existing Rights – Storage Excluded

When Used: If applicant claims an existing right (e.g., riparian, pre-1914, or prescriptive) for the same place of use but the right has not been adjudicated or otherwise finally determined.

Term:

During the season specified in this permit, the total quantity and rate of water diverted and used under this permit and under permittee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use specified in this permit. If the permittee's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this permit shall be the net of the face value of the permit less the amounts of water available under the existing right.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of the claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the State Water Resources Control Board.

Permittee shall take and use water under the existing right claimed by permittee only in accordance with law.

(0000021B)

PERMIT TERM 22 Right of Access

When Used: If the applicant does not own the point of diversion. Do not use if applicant has right of eminent domain.

Term:

This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

(0000022)

PERMIT TERM 23 Adjudicated Rights

When Used: If diversion is from an adjudicated source.

Term:

Rights under this permit are, and shall be, specifically subject to existing rights determined by the Adjudication, Superior Court, ___ County, No. ___ insofar as said adjudicated rights are maintained.

(0000023)

PERMIT TERM 24 Private Agreement

When Used: As necessary.

Term:

Permittee shall comply with the following provisions which are derived from the agreement between permittee and _____ executed on ____ and filed with the State Water Resources Control Board:

- 1.
- 2.
- etc.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit.

(0000024)

PERMIT TERM 25 Non-natural Water

When Used: If some or all of the water applied for is return flow, imported water, or waste water.

Term:

To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue.

(0000025)

PERMIT TERM 27 Rotation

When Used: For direct diversion if there will be no interference with other beneficial uses. This term shall not be used for frost protection or heat control uses.

Term:

The equivalent of the authorized continuous flow allowance for any 30-day* period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.

(0000027)

*Use: 7-day for domestic use
 14-day for power use
 30-day for all others

PERMIT TERM 28 Service to Subdivision

When Used: If applicant is serving a subdivision or several users and is not an established permanent organization, such as a water company.

Term:

No water shall be appropriated under this permit until permittee has established a permanent organization which will, to the satisfaction of the State Water Resources Control Board, properly operate and maintain the water supply system.*

(0000028)

* Or reservoir

PERMIT TERM 29A Urban Water Management Program

When Used: If the applicant supplies water for municipal purposes to more than 3,000 customers or supplies more than 3,000 acre-feet of water annually for municipal purposes. (Permits issued to urban water suppliers as defined in section 10617 of the California Water Code.)

Term:

Permittee shall consult with the Division of Water Rights and, within one year from the date of this permit, shall submit to the State Water Resources Control Board its Urban Water Management Plan as prepared and adopted in conformance with section 10610, et seq. of the California Water Code, supplemented by any additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.

(0000029A)

PERMIT TERM 29B Water Conservation Program

When Used:

1. If the applicant supplies water for municipal purposes, or for domestic use within subdivisions, (a) to 3,000 or fewer customers or (b) 3,000 or less acre-feet of water annually and seeks an appropriation which, combined with any existing appropriative rights serving the same place of use, totals 200 or more acre-feet of water annually.
2. If the applicant supplies water for irrigation purposes and seeks an appropriation which, combined with any existing appropriative rights for the same place of use, totals 1,000 or more acre-feet of water annually by direct diversion and/or storage.

Term:

Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.

(0000029B)

PERMIT TERM 29C Irrigation System Evaluation

When Used: If the applicant does not intend to sell water but plans to use the water directly for irrigation purposes, and the permit, combined with any other appropriative right for the same place of use, authorizes the diversion of 1,000 acre-feet or more of water annually.

Term:

Prior to making a request for license or before license action will be considered by the State Water Resources Control Board, permittee shall consult with the Division of Water Rights and perform an irrigation system evaluation. A report on the evaluation shall be prepared by a person trained or experienced in irrigation system design and management and shall be submitted to the Board for approval.

All cost-effective water conservation measures identified in the irrigation system evaluation report shall be implemented prior to issuance of a license.

(0000029C)

PERMIT TERM 30 Maps for Larger Projects

When Used: All permits of projects meeting the requirements of section 717, Title 23 of the C.C.R.

Term:

If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Chief, Division of Water Rights.

(0000030)

PERMIT TERM 40 Limited Storage - Nonconsumptive Uses

When Used: Reservoirs for storage of water for essentially nonconsumptive uses (recreational, fish culture, etc.). Use Term 41 instead, if stockwatering is an authorized use.

Term:

After the initial filling of the storage reservoirs, permittee's right under this permit extends only to water necessary to keep the reservoirs full by replacing water lost by evaporation and seepage and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.

(0000040)

PERMIT TERM 41 Limited Storage - Stockwatering

When Used: Reservoirs for storage of water for essentially nonconsumptive uses including stockwatering.

Term:

After the initial filling of the storage reservoirs, permittee's right under this permit extends only to water necessary to keep the reservoirs full by replacing water beneficially used and water lost by evaporation and seepage and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.

(0000041)

PERMIT TERM 42 Continuing Authority - Reduction in Storage

When Used: Storage in reservoirs of greater than 10-acre-foot capacity for recreational purposes or for stockwatering and/or other limited consumptive uses.

Term:

This permit is subject to the continuing authority of the State Water Resources Control Board to reduce the amount of water named in the permit upon a finding by the Board that the amount is in excess of that reasonably needed to be held in storage for the authorized use. No action will be taken by the Board without prior notice to the owner and an opportunity for hearing.

(0000042)

PERMIT TERM 43A Outlet Pipe -- Single Reservoir -- Dam not Built

When Used: For unconstructed onstream reservoirs which will impound more than 10 acre-feet regardless of the locality and for onstream reservoirs of any size, either constructed or unconstructed, in critical watersheds such as Stony Creek and Putah Creek where the entire supply is controlled in normal years. For dams under the jurisdiction of the Division of Safety of Dams, only the first sentence should be used.

Term:

Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipe, or alternative facility, to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that the outlet pipe has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043A)

PERMIT TERM 43AP Outlet Pipe -- Multiple Reservoirs - Dams not Built

When Used: For unconstructed onstream reservoirs which will impound more than 10 acre-feet regardless of the locality and for onstream reservoirs of any size, either constructed or unconstructed, in critical watersheds such as Stony Creek and Putah Creek where the entire supply is controlled in normal years. For dams under the jurisdiction of the Division of Safety of Dams, only the first sentence should be used.

Term:

Permittee shall install and maintain an outlet pipe of adequate capacity in each dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoirs which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipes, or alternative facility, to the Chief of the Division of Water Rights for approval. Before storing water in the reservoirs, permittee shall furnish evidence which substantiates that the outlet pipes have been installed in each dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043AP)

PERMIT TERM 43B Outlet Pipe -- Single Reservoir - Dam Built

When Used: For constructed onstream reservoirs which will impound more than 10 acre-feet regardless of the locality and for onstream reservoirs of any size, either constructed or unconstructed, in critical watersheds such as Stony Creek and Putah Creek where the entire supply is controlled in normal years. For dams under the jurisdiction of the Division of Safety of Dams, only the first sentence should be used.

Term:

Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that the outlet pipe, or alternative facility, has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043B)

PERMIT TERM 43BP Outlet Pipe -- Multiple Reservoirs -- Dams Built

When Used: For constructed onstream reservoirs which will impound more than 10 acre-feet regardless of the locality and for onstream reservoirs of any size, either constructed or unconstructed, in critical watersheds such as Stony Creek and Putah Creek where the entire supply is controlled in normal years. For dams under the jurisdiction of the Division of Safety of Dams, only the first sentence should be used.

Term:

Permittee shall install and maintain an outlet pipe of adequate capacity in each dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Before storing water in the reservoirs, permittee shall furnish evidence which substantiates that the outlet pipes, or alternative facilities, has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043BP)

**PERMIT TERM 43C Outlet Pipe -- Reservoir(s) under DWR Safety of Dams
Jurisdiction -- Dams not Built**

When Used: For unconstructed onstream reservoirs which will be under DWR Safety of Dams Jurisdiction regardless of the locality.

Term:

Permittee shall install and maintain an outlet pipe of adequate capacity in each dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released.

(0050043C)

PERMIT TERM 44 Outlet Pipe - Dam Built (Noncritical Watershed)

When Used: For noncritical watersheds where an onstream reservoir of more than 10 acre-feet has been constructed without an outlet pipe. Staff may modify the language of this term to suit the particular situation.

Term: Permittee, when required by the State Water Resources Control Board, shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Permittee shall submit plans and specifications of the outlet pipe or alternative facility to the Chief of the Division of Water Rights for approval within six months of the date upon which the Board issues notice that an outlet is required. Permittee shall furnish evidence which substantiates that the outlet pipe or alternative facility has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050044)

PERMIT TERM 45 Public Access

When Used: For storage of relatively large amounts of water for recreation which can be justified only on the basis of public use. The definition of a large amount can be less than 30 afa in the southern Central Valley.

Term:
The reservoir shall be kept open to the public for recreational use, subject to a reasonable charge for any services or facilities that are provided by permittee. Failure to allow public access may result in revocation of the permit or reduction in the amount of water that may be stored.

(0030045)

PERMIT TERM 46 Measuring Devices - Offstream Storage

When Used: For offstream storage, as needed.

Term:
Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure the rate and quantity of water diverted into the reservoir from _____, and water released from or flowing out of the reservoir*

(0060046)

* Delete last clause if not applicable to the particular situation.

PERMIT TERM 47 Measuring Devices – Reservoir Staff Gage(s)

When Used: with Term 51 or other reservoir release requirements.

Term:

Permittee shall install and properly maintain staff gage(s) in the reservoir(s), , satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoir(s).

Permittee shall record the staff gage readings on or about _____ * _____ of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.**

The State Water Resources Control Board may require the release of water that cannot be verified as having been collected to storage prior to October 1 of each year.

Permittee shall allow (name of protestant) and all successors in interest, or a designated representative, reasonable access to the reservoir(s) for the purpose of verifying staff gage readings *** and determining water levels in the reservoir(s).

(0070047) or (0100047)

* October 1, _____ date _____ and _____ date _____, or other date(s).

** Substitute specific dates for submitting the readings and/or add other parties to receive the readings as necessary.

*** Include only if verification of readings is required.

PERMIT TERM 48A Div. of Safety of Dam Supervision -- Dam not Built -

When Used: When Division of Safety of Dam's approval has not yet been obtained for (1) dams 25 feet or more in height (from downstream toe to spillway crest) provided more than 15 acre-feet of water is impounded, or (2) dams that impound 50 acre-feet or more of water provided they are more than six feet in height.

Term:

If the storage dam will be of such size as to be within the jurisdiction of the Department of Water Resources as to safety, construction under this permit shall not be commenced until the Department has approved the plans and specifications for the dam.

(0360048A)

PERMIT TERM 48B Div. of Safety of Dam Supervision -- Dam Built

When Used: When Division of Safety of Dam's approval has not yet been obtained for (1) dams 25 feet or more in height (from downstream toe to spillway crest) provided more than 15 acre-feet of water is impounded, or (2) dams that impound 50 acre-feet or more of water provided they are more than six feet in height.

Term:

If the storage dam is of such size as to be within the jurisdiction of the Department of Water Resources as to safety, storage under this permit shall not be commenced until the Department has approved the plans and specifications for the dam.

(0360048B)

PERMIT TERM 48C Div. of Safety of Dam Supervision -- Dam/Reservoir Enlargement

When Used: When Division of Safety of Dam's approval has not yet been obtained for (1) dams 25 feet or more in height (from downstream toe to spillway crest) provided more than 15 acre-feet of water is impounded, or (2) dams that impound 50 acre-feet or more of water provided they are more than six feet in height.

Term:

If the storage dam will be of such size as to be within the jurisdiction of the Department of Water Resources as to safety, construction under this permit shall not be commenced until the Department has approved the plans and specifications for the dam.

(0360048C)

PERMIT TERM 50A Reservoir Site Clearance Dam not Built

When Used: If a reservoir will be built with a capacity of 50 acre-feet or more. A statutory requirement for dams built after 9-18-59.

Term:

In accordance with the requirements of Water Code section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

(0120050A)

Note - This term should be used for any reservoir with a capacity of 50 acre-feet or more which was built after 9-18-59, the effective date of Water Code section 1393. When a permit is issued for an existing reservoir built after that date, the word "proposed" should be omitted. If the reservoir will be or has been enlarged since 9-18-59 use Permit Term 50b.

PERMIT TERM 50B Reservoir Site Clearance -- Dam/Reservoir Enlargement

When Used: If a reservoir will be enlarged to a capacity of 50 acre-feet or more. A statutory requirement for dams built after 9-18-59.

Term:

In accordance with the requirements of Water Code section 1393, permittee shall clear the area covered by the proposed reservoir enlargement of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

(0120050B)

Note - This term should be used for any reservoir with a capacity of 50 acre-feet or more which was built after 9-18-59, the effective date of Water Code section 1393. When a permit is issued for an existing reservoir built after that date, the word "proposed" should be omitted. If the reservoir has not been built use Permit Term 50A.

PERMIT TERM 51 Reservoir Release Requirement

When Used: If water collected to storage may have to be released to satisfy prior downstream storage rights. Also use Term 47.

Term:

Whenever the prior storage rights of (name) (under License/Permit issued pursuant to Application)* are not satisfied by (date) of any year, water collected to storage under this permit during the current collection season shall be immediately released at the maximum practicable rate to the extent necessary to satisfy said prior downstream storage rights. Permittee shall not be obligated to release water in the reservoir(s) below the previous October 1** staff gage reading unless permittee has withdrawn water from the reservoir(s) for consumptive purposes since October 1.**

(0000051)

* Use for appropriative rights on file with the Board.

** Or other date. The same date should also appear in Term 47.

PERMIT TERM 60 Reservoir Stream flow Bypass for Fish and Wildlife

When Used: After agreement between applicant and Department of Fish & Game or if being imposed by the Board.

Term:

For the protection of fish and wildlife, permittee shall during the period:

- a. from ____ through ____ bypass a minimum of __ cubic feet per second, *
- b. from ____ through ____ bypass a minimum of __ cubic feet per second, *
- c. from ____ through ____ bypass a minimum of __ cubic feet per second. *

The total streamflow shall be bypassed whenever it is less than the designated amount.

The permittee shall submit a compliance plan, satisfactory to the Chief of the Division of Water Rights, which describes how the bypass flows required by the conditions of this permit will be measured and maintained.

(0140060)

* When appropriate, express in gallons per minute.

PERMIT TERM 61 Fish and Wildlife Bypass - Napa River

When Used: All Napa River permits upstream from the City of Napa.

Term:

For the protection of fish and wildlife, permittee shall during the period:

- a. from June 1 through October 31 bypass a minimum of 3.0 cubic feet per second, *
- b. from November 1 through November 14 bypass a minimum of 1.0 cubic foot per second,
- c. from November 15 through February 29 bypass a minimum of 15.0 cubic feet per second, and
- d. from March 1 through May 31 bypass a minimum of 10.0 cubic feet per second.

The total streamflow shall be bypassed whenever it is less than the designated amount.

Streamflows shall be as measured at the nearest USGS Gaging Station on the Napa River or by a device acceptable to the State Water Resources Control Board at alternative locations which may be designated by the watermaster administering the water distribution program.

(0140061)

* 3.0 cfs between Napa and Rutherford
1.0 cfs upstream from Rutherford

PERMIT TERM 62A Measuring Device for Bypass Single -- Project not Built -

When Used: If bypass of water is required.

Term:

No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flow required by the conditions of this permit. Said measuring device shall be properly maintained.
(0060062A)

Note - This term should not be used for the Russian River or other locations where permanent streamflow gages are reasonably near the point of diversion.

PERMIT TERM 62AP Measuring Devices for Bypass -- Multiple Project not Built -

When Used: If bypass of water is required.

Term:

No water shall be diverted under this permit until permittee has installed devices, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flows required by the conditions of this permit. Said measuring devices shall be properly maintained.
(0060062AP)

Note - This term should not be used for the Russian River or other locations where permanent streamflow gages are reasonably near the point of diversion.

PERMIT TERM 62B Measuring Device for Bypass -- Single, Project Built -

When Used: If bypass of water is required.

Term:

Permittee shall install a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flows required by the conditions of this permit. Said measuring device shall be properly maintained.
(0060062B)

Note - This term should not be used for the Russian River or other locations where permanent streamflow gages are reasonably near the point of diversion.

PERMIT TERM 62BP Measuring Device for Bypass -- Multiple, Project Built

When Used: If bypass of water is required.

Term:

Permittee shall install devices, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flows required by the conditions of this permit. Said measuring devices shall be properly maintained.

(0060062BP)

Note - This term should not be used for the Russian River or other locations where permanent streamflow gages are reasonably near the point of diversion.

PERMIT TERM 63 Stream Alteration and Intake Screening

When Used: For all diversions

Term:

No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

* The use of this term is mandatory for all diversions from the main stem of the Russian and Napa Rivers except for those diversions from the underflow.

PERMIT TERM 64 Public Access - Reservoirs

When Used: For onstream storage of water in streams naturally frequented by fish, when requested by the Department of Fish and Game.

Term:

In compliance with Fish and Game Code section 5943, if storage of water authorized by this permit is on a stream naturally frequented by fish, permittee shall accord to the public, for the purpose of fishing, reasonable right of access to the waters impounded by Dam/Reservoir Name* during the open season for the taking of fish, subject to the regulations of the California Fish and Game Commission; and for domestic water supply reservoirs, subject to Public Health requirements of sections 7625 through 7629, Title 17, California Code of Regulations.

(0030064)

* State the name of the specific dam or reservoir or state, "the dam".

PERMIT TERM 65 Public Access - Desert Springs

When Used: For springs in desert areas if agreed to by permittee.

Term:

Permittee shall not construct or maintain fences or other works which may prevent access to water from the source under this permit by the public or wildlife.

(0040065)

PERMIT TERM 66 Inyo and Mono Counties -- 5937 Compliance

When Used: For all appropriations, except from springs, within Inyo and Mono Counties.
A statutory requirement pursuant to section 5946 of Fish and Game Code.

Term:

In accordance with the requirements of Fish and Game Code section 5946, this permit is conditioned upon full compliance with section 5937 of the Fish and Game Code.

(0140066)

PERMIT TERM 67 Klamath and Trinity Rivers Pollution

When Used: For those uses, generally mining, which might pollute or muddy waters. Applies to the Klamath River from its mouth to the mouth of the Salmon River, and the Trinity River from the Klamath River to the mouth of the South Fork Trinity River - or nearby tributaries.

Term:

This permit is issued subject to the provisions of section 5800 of the Fish and Game Code, relating to the pollution of waters in the Trinity and Klamath River Fish and Game District, making it unlawful to pollute, muddy, contaminate, or roilsaid waters between July 1 and November 30, both dates inclusive, and declaring any structure or contrivance which causes such a condition to be a public nuisance.

(0390067)

PERMIT TERM 69

Passage of Water for Fish under F&G Code 5937

When Used: For all projects which may dam, obstruct, or otherwise impede the natural streamflow, when requested by the Department of Fish and Game. This term should not be used when other fish protection bypass terms are required.

Term:

In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this permit is by means of a dam, permittee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

(0140069)

or (0210069)

PERMIT TERM 70 Flow Bypass Compliance Plan

When Used: For projects with flow bypass permit terms.

Term: Within 6 months of the issuance of this permit, the Permittee shall submit a Compliance Plan for approval by the Chief of the Division of Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:

A description of the physical facilities (i.e., outlet pipes, siphons, pipelines, bypass ditches, splitter boxes etc.) that will be constructed or have been constructed at the project site and will be used to bypass flow.

A description of the gages and monitoring devices that will be installed or have been installed to measure stream flow and/or reservoir storage capacity.

A time schedule for the installation of these facilities.

A description of the frequency of data collection and the methods for recording bypass flows and storage levels.

An operation and maintenance plan that will be used to maintain all facilities in good condition.

The Permittee shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all flow bypass and monitoring facilities described in the Compliance Plan.

The monitoring data shall be maintained by the permittee for ten years from the date of collection and made available to the Chief of the Division of Water Rights, upon request.

Any non-compliance with the terms of the permit shall be reported by the permittee promptly to the Chief of the Division of Water Rights

Diversion and use of water prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized.

(0000070)

**PERMIT TERM 80 Reserved Jurisdiction - Delta and Tributary Rivers; and also
the Russian River Watershed**

When Used: Permits of 1 cfs or more or 100 afa of storage or more within: the Sacramento, Cosumnes, Mokelumne, or Calaveras River Basins or the Sacramento - San Joaquin Delta, and the Russian River Watershed; and any size permit in the San Joaquin River Basin below Friant Dam, when hydraulic continuity with the Delta exists, or is likely to exist, during the requested diversion season.

Term:

The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the SWRCB concerning availability of water and the protection of beneficial uses of water in the **. Any action to change the authorized season of diversion will be taken only after notice to interested parties and opportunity for hearing.

(0000080)

** Sacramento-San Joaquin Delta and San Francisco Bay or
** Russian River

PERMIT TERM 81 Russian River - Sonoma County – Direct Diversion

When Used: For direct diversion from the Russian River between the Mendocino County line and the river mouth in Sonoma County for use commencing after January 28, 1949.

Term:

Availability of water for appropriation under this permit during the critical period of approximately July 1 through October 31 is dependent upon water remaining available under the 10,000 acre-foot per annum allocation of water from Lake Mendocino for use in the Russian River Valley in Sonoma County. If subsequent studies show that the above-mentioned allocation has been fully used before use is completed under this permit, a license shall be issued only for the amount of water, if any, which has been put to use under this permit and which is included in the allocation.

(0000081)

**PERMIT TERM 82 Russian River - Mendocino County – Direct Diversion
downstream of Lake Mendocino**

When Used: For direct diversion from the Russian River downstream from Coyote Dam in Mendocino County for use commencing after January 28, 1949.

Term:

Availability of water for appropriation under this permit during the critical period of approximately July 1 through October 31 is dependent upon water remaining available under the allocation of 8,000 acre-feet per annum from Lake Mendocino for use in the Russian River Valley in Mendocino County. If subsequent studies show that the above-mentioned allocation has been fully used before use is completed under this permit, a license shall be issued only for the amount of water, if any, which has been put to use under this permit and which is included in the allocation.

(0000082)

**PERMIT TERM 83 Reserved Jurisdiction - East Fork Russian River upstream of
Lake Mendocino**

When Used: For direct diversion from the East Fork Russian River upstream from Lake Mendocino.

Term:

The State Water Resources Control Board reserves jurisdiction over this permit until the Federal Energy Regulatory Commission has made a final determination on the relicensing of Pacific Gas and Electric Company's Potter Valley Hydroelectric Project. Any action by the Board will be taken only after notice to interested parties and opportunity for hearing.

(0000083)

**PERMIT TERM 84 Direct Diversion - East Fork Russian River upstream of Lake
Mendocino**

When Used: For direct diversion from the East Fork Russian River upstream from Lake Mendocino

Term:

Water diverted under this permit shall be restricted to that released by upstream appropriators in Potter Valley and does not constitute an additional appropriation of Eel River water.

(0000084)

PERMIT TERM 85A Diversion Restriction - Napa Valley

When Used: For direct diversion and storage after March 15 for frost protection, irrigation, and/or heat control from the Napa River or its tributaries. Do not use on tributaries if frost protection is not a purpose of use or for onstream winter storage on small tributaries. Do not use on Conn Creek above Lake Hennessey.

Term:

Diversion of water between March 15 and May 15 is subject to control under a water distribution program administered by the State Water Resources Control Board or by the Department of Water Resources. Whenever such a program is in effect at the project location, permittee shall comply with the following:

A. Diversion after March 15 is contingent upon participation in the water distribution program by permittee.

B. Diversion after March 15 shall be solely to replenish water stored prior to March 15 unless otherwise authorized by the Watermaster in charge of the distribution program.

C. Prior to making diversions after March 15, permittee shall install and maintain devices, satisfactory to the Watermaster, which are capable of measuring the instantaneous rate of diversion and the total amount of water diverted during participation in the distribution program.

D. Permittee's participation in any water distribution program required under the terms of this permit shall be evidenced by returning the information sheet distributed prior to the frost season and paying costs as apportioned at the end of the season.

E. The water distribution program required under this permit may be revised periodically by the State Water Resources Control Board provided that the program shall be substantially consistent with terms of any water distribution program imposed on similarly situated users by the Napa County Superior Court.

(0000085A)

PERMIT TERM 85B Diversion to Storage Restriction - Napa Valley

When Used: For direct diversion and storage after March 15 for frost protection, irrigation, and/or heat control from the Napa River or its tributaries. Do not use on tributaries if frost protection is not a purpose of use or for onstream winter storage on small tributaries. Do not use on Conn Creek above Lake Hennessey.

Term:

During the period between March 15 and May 15 water may be collected to storage under this permit only when there are no restrictions imposed by the watermaster on diversions from the Napa River.

(0000085B)

PERMIT TERM 86 Upper Putah Creek - Direct Diversion

When Used: - Terms and conditions for continuation permits and new permits pursuant to SWRCB order WR 96-002 (section 7.1 wr 96-002, pg 11-15). For direct diversion from Putah Creek and its tributaries upstream from the Solano project of the USBR (drainage into Lake Berryessa).

Term:

Permittee shall comply with the following provisions which are derived from the Condition 12 Settlement Agreement dated March 10, 1995 (Agreement) pursuant to the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565:

1. Permittee is hereby put on notice that the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565, has retained jurisdiction over the parties and, upon application by the watermaster, has the right to temporarily enjoin the diversion of water under this permit for noncompliance with the terms of the Agreement.

2. Diversion of water under this permit shall be subject to the watermaster appointed by the court to enforce the terms of the Agreement. The permittee shall be responsible for partial payment of the watermaster costs in accordance with the terms of the Agreement.

3. Permittee shall maintain a device, satisfactory to the SWRCB, which is capable of measuring water directly diverted under this permit. A satisfactory device includes: For Pumping Stations: (1) In-line flow meter having instantaneous and total flow reading capability, or (2) Proof of a pump test performed within the last 5 years together with official monthly power consumption records for the electric meter serving the pump. For Gravity Diversions: A weir, flume, or other flow measuring device that is properly installed, or a flow-rating curve established by volumetric measurements.

4. Permittee shall maintain monthly records of direct diversion from March 1 to July 15 of each year, or such other period as may be specified with written notice to the permittee by the watermaster.

5. Permittee shall report to the watermaster annually, all diversions under this permit by September 1 of each year on forms approved by the watermaster.

6. Permittee shall allow the watermaster reasonable access to the project covered by this permit to inspect measuring equipment and to observe compliance with these permit terms and conditions, upon 48-hour prior notice and upon such reasonable conditions as permittee may prescribe.

7. Permittee is hereby put on notice that there may be years when diversion of water under this permit will not be within the reservation of water established for the Putah Creek watershed upstream of Monticello Dam, as set forth in the Agreement and that in those years no water may be available under this permit, and that releases of stored water may be required.

8. Permittee is hereby put on notice that the waiver of priority granted by Reclamation and Solano County Water Agency provides that in the event Allowable Depletion is exceeded in any year, water diverted to storage that year shall be released and/or direct diversions shall be curtailed during the ensuing season(s), when applicable, to the extent necessary to bring the Allowable Depletion into compliance, in the following order:

a. All amounts directly diverted and/or diverted to storage by holders of Post-Reservation Water Rights in excess of 120 percent of that water right holder's previous five-year average, in reverse order of water right priority.

b. All amounts directly diverted and/or diverted to storage by holders of Post-Reservation Water Rights above the previous five-year average diversion, in reverse order of priority.

c. All remaining water directly diverted and/or diverted to storage that year by holders of Post-Reservation Water Rights in reverse order of priority.

9. In any year in which Annual Depletion exceeds Allowable Depletion, if Lake Berryessa: (1) does not drop below 640,000 acre-feet in storage as of May 1, permittee shall have three years, starting in the next Accumulation Season, to make up or repay permittee's excess diversions; or (2) does not reach 640,000 acre-feet of storage as of May 1, permittee shall have one year, starting in the next Accumulation Season, to make up or repay permittee's excess diversions. In the event that Lake Berryessa spills at any time prior to full payback of excess depletion, permittee shall be excused from any further obligation for repayment of the overage.

10. Permittee shall provide watermaster prior notice of any repayment. Repayment may be made either by releases from storage, curtailment of direct diversion, or by the provision of water from other sources.

11. Permittee shall notify the watermaster of any change in ownership of land, changes in the water right, or changes in address related to the permit.

12. Permittee is hereby put on notice of permittee's right, upon reasonable prior notice, to inspect and to copy, at permittee's own expense, all records and reports of the watermaster.

13. Solely for purposes of administering Post-Reservation Depletion, the average annual depletion assigned to this project is ____ acre-feet per annum as calculated by the watermaster using information described in Exhibit C of the Condition 12 Settlement Agreement. Permittee shall notify the watermaster of any change in crop type, acreage irrigated, and irrigation method. Any change in water usage which results in an increase in average annual depletion of more than 10 percent for non-weather related reasons, as determined by the watermaster, will require filing a new water right application. (Agreement pp. 13-15, Exhibit E)

Inclusion in the permit of certain provisions of this Agreement shall not be construed as disapproval of other provisions of the Agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit.

(0000024)

The State Water Resources Control Board (SWRCB) shall have continuing authority under article X, section 2 of the California Constitution, Water Code sections 100 and 275, and the common law public trust doctrine over this permit to delete, revise, amend, or adopt new terms or conditions to: (1) implement the March 10, 1995, Condition 12 Settlement Agreement and any amendments to the agreement and (2) make the terms or conditions consistent with any order of the superior court. No action shall be taken pursuant to this paragraph unless the SWRCB provides notice to affected parties and provides an opportunity for a hearing.

(0000012)

(0220086)

PERMIT TERM 87 Upper Putah Creek – ON STREAM and OFFSTREAM STORAGE

When Used: - Terms and conditions for continuation permits and new permits pursuant to SWRCB order WR 96-002 (section 7.1 wr 96-002, pg 11-15). For storage in Putah Creek and its tributaries upstream from the Solano Project of the USBR (drainage into Lake Berryessa).

Term: Permittee shall comply with the following provisions which are derived from the Condition 12 Settlement Agreement dated March 10, 1995 (Agreement) pursuant to the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565:

1. Permittee is hereby put on notice that the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565, has retained jurisdiction over the parties and, upon application by the watermaster, has the right to temporarily enjoin the diversion of water under this permit for noncompliance with the terms of the Agreement.

2. Diversion of water under this permit shall be subject to the watermaster appointed by the court to enforce the terms of the Agreement. The permittee shall be responsible for partial payment of the watermaster costs in accordance with the terms of the Agreement.

Pick One of the following, based on method of diversion.

For Onstream Storage Projects (correct for multiple reservoirs)*

3. Within one year of the construction of the reservoir covered by this permit, permittee shall have the capacity of the reservoir surveyed by a registered civil engineer or licensed surveyor. A copy of the survey and area-capacity curve shall be provided to the watermaster and the SWRCB.

4. Permittee shall install and properly maintain in the reservoir a staff gage, satisfactory to the watermaster and the SWRCB, for the purpose of determining water levels in the reservoir. Permittee shall record the staff gage readings on October 1 of each year and April 30 of the succeeding year, or such other period as may be specified by the watermaster with written notice to the permittee.

For Offstream Storage Projects

3. Permittee shall install and maintain a device, satisfactory to the SWRCB, capable of measuring water diverted to storage under this permit. Satisfactory devices shall include: For Pumping Stations: (1) In-line flow meter having instantaneous and total flow reading capability, or (2) Proof of a pump test performed within the last 5 years together with official monthly power consumption records for the electric meter serving the pump. For Gravity Diversions: A weir, flume, or other flow measuring device that is properly installed, or a flow-rating curve established by volumetric measurements.

4. Permittee shall maintain monthly records of diversion to offstream storage from October 1 of each year to April 30 of the succeeding year, or such other period as may be specified with written notice to the permittee by the watermaster.

5. Permittee shall report to the watermaster annually, all diversions under this permit by September 1 of each year on forms approved by the watermaster.

6. Permittee shall allow the watermaster reasonable access to the project covered by this permit to inspect measuring equipment and to observe compliance with these permit terms and conditions, upon 48-hour prior notice and upon such reasonable conditions as permittee may prescribe.

7. Permittee is hereby put on notice that there may be years when diversion of water under this permit will not be within the reservation of water established for the Putah Creek watershed upstream of Monticello Dam, as set forth in the Agreement and that in those years no water may be available under this permit, and that releases of stored water may be required.

8. Permittee is hereby put on notice that the waiver of priority granted by Reclamation and Solano County Water Agency provides that in the event Allowable Depletion is exceeded in any year, water diverted to storage that year shall be released and/or direct diversions shall be curtailed during the ensuing season(s), when applicable, to the extent necessary to bring the Allowable Depletion into compliance, in the following order:

a. All amounts directly diverted and/or diverted to storage by holders of Post-Reservation Water Rights in excess of 120 percent of that water right holder's previous five-year average, in reverse order of water right priority.

b. All amounts directly diverted and/or diverted to storage by holders of Post-Reservation Water Rights above the previous five-year average diversion, in reverse order of priority.

c. All remaining water directly diverted and/or diverted to storage that year by holders of Post-Reservation Water Rights in reverse order of priority.

9. In any year in which Annual Depletion exceeds Allowable Depletion, if Lake Berryessa: (1) does not drop below 640,000 acre-feet in storage as of May 1, permittee shall have three years, starting in the next Accumulation Season, to make up or repay permittee's excess diversions; or (2) does not reach 640,000 acre-feet of storage as of May 1, permittee shall have one year, starting in the next Accumulation Season, to make up or repay permittee's excess diversions. In the event that Lake Berryessa spills at any time prior to full payback of excess depletion, permittee shall be excused from any further obligation for repayment of the overage.

10. Permittee shall provide watermaster prior notice of any repayment. Repayment may be made either by releases from storage, curtailment of direct diversion, or by the provision of water from other sources.

11. Permittee shall notify the watermaster of any change in ownership of land, changes in the water right, or changes in address related to the permit.

12. Permittee is hereby put on notice of permittee's right, upon reasonable prior notice, to inspect and to copy, at permittee's own expense, all records and reports of the watermaster.

13. Solely for purposes of administering Post-Reservation Depletion, the average annual depletion assigned to this project is ____ acre-feet per annum as calculated by the watermaster using information described in Exhibit C of the Condition 12 Settlement Agreement. Permittee shall notify the watermaster of any change in crop type, acreage irrigated, and irrigation method. Any change in water usage which results in an increase in average annual depletion of more than 10 percent for non-weather related reasons, as determined by the watermaster, will require filing a new water right application. (Agreement pp. 13-15, Exhibit E)

Inclusion in the permit of certain provisions of this Agreement shall not be construed as disapproval of other provisions of the Agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit.

The State Water Resources Control Board (SWRCB) shall have continuing authority under article X, section 2 of the California Constitution, Water Code sections 100 and 275, and the common law public trust doctrine over this permit to delete, revise, amend, or adopt new terms or conditions to: (1) implement the March 10, 1995, Condition 12 Settlement Agreement and any amendments to the agreement and (2) make the terms or conditions consistent with any order of the superior court. No action shall be taken pursuant to this paragraph unless the SWRCB provides notice to affected parties and provides an opportunity for a hearing.

(0000012)

(0220087)

PERMIT TERM 88 Upper Putah Creek - Direct Diversion plus Storage

When Used: - Terms and conditions for continuation permits and new permits pursuant to SWRCB order WR 96-002 (section 7.1 wr 96-002, pg 11-15). For direct diversion plus storage in Putah Creek and its tributaries upstream from the Solano Project of the USBR (drainage into Lake Berryessa).

Term: Permittee shall comply with the following provisions which are derived from the Condition 12 Settlement Agreement dated March 10, 1995 (Agreement) pursuant to the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565:

1. Permittee is hereby put on notice that the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565, has retained jurisdiction over the parties and, upon application by the watermaster, has the right to temporarily enjoin the diversion of water under this permit for noncompliance with the terms of the Agreement.

2. Diversion of water under this permit shall be subject to the watermaster appointed by the court to enforce the terms of the Agreement. The permittee shall be responsible for partial payment of the watermaster costs in accordance with the terms of the Agreement.

3. Within one year of the construction of the reservoir covered by this permit, permittee shall have the capacity of the reservoir surveyed by a registered civil engineer or licensed surveyor. A copy of the survey and area-capacity curve shall be provided to the watermaster and the SWRCB. Permittee shall install and properly maintain in the reservoir a staff gage, satisfactory to the watermaster and the SWRCB, for the purpose of determining water levels in the reservoir. Permittee shall record the staff gage readings on October 1 of each year and April 30 of the succeeding year, or such other period as may be specified with written notice to the permittee by the watermaster.

4. Permittee shall maintain a device, satisfactory to the SWRCB, which is capable of measuring water directly diverted under this permit. A satisfactory device includes: For Pumping Stations: (1) In-line flow meter having instantaneous and total flow reading capability, or (2) Proof of a pump test performed within the last 5 years together with official monthly power consumption records for the electric meter serving the pump. For Gravity Diversions: A weir, flume, or other flow measuring device that is properly installed, or a flow-rating curve established by volumetric measurements. Permittee shall maintain monthly records of direct diversion from March 1 to July 15 of each year, or such other period as may be specified with written notice to the permittee by the watermaster.

5. Permittee shall report to the watermaster annually, all diversions under this permit by September 1 of each year on forms approved by the watermaster.

6. Permittee shall allow the watermaster reasonable access to the project covered by this permit to inspect measuring equipment and to observe compliance with these permit terms and conditions, upon 48-hour prior notice and upon such reasonable conditions as permittee may prescribe.

7. Permittee is hereby put on notice that there may be years when diversion of water under this permit will not be within the reservation of water established for the Putah Creek watershed upstream of Monticello Dam, as set forth in the Agreement and that in those years no water may be available under this permit, and that releases of stored water may be required.

8. Permittee is hereby put on notice that the waiver of priority granted by Reclamation and Solano County Water Agency provides that in the event Allowable Depletion is exceeded in any year, water diverted to storage that year shall be released and/or direct diversions shall be curtailed during the ensuing season(s), when applicable, to the extent necessary to bring the Allowable Depletion into compliance, in the following order:

a. All amounts directly diverted and/or diverted to storage by holders of Post-Reservation Water Rights in excess of 120 percent of that water right holder's previous five-year average, in reverse order of water right priority.

b. All amounts directly diverted and/or diverted to storage by holders of Post-Reservation Water Rights above the previous five-year average diversion, in reverse order of priority.

c. All remaining water directly diverted and/or diverted to storage that year by holders of Post-Reservation Water Rights in reverse order of priority.

9. In any year in which Annual Depletion exceeds Allowable Depletion, if Lake Berryessa: (1) does not drop below 640,000 acre-feet in storage as of May 1, permittee shall have three years, starting in the next Accumulation Season, to make up or repay permittee's excess diversions; or (2) does not reach 640,000 acre-feet of storage as of May 1, permittee shall have one year, starting in the next Accumulation Season, to make up or repay permittee's excess diversions. In the event that Lake Berryessa spills at any time prior to full payback of excess depletion, permittee shall be excused from any further obligation for repayment of the overage.

10. Permittee shall provide watermaster prior notice of any repayment. Repayment may be made either by releases from storage, curtailment of direct diversion, or by the provision of water from other sources.

11. Permittee shall notify the watermaster of any change in ownership of land, changes in the water right, or changes in address related to the permit.

12. Permittee is hereby put on notice of permittee's right, upon reasonable prior notice, to inspect and to copy, at permittee's own expense, all records and reports of the watermaster.

13. Solely for purposes of administering Post-Reservation Depletion, the average annual depletion assigned to this project is ____ acre-feet per annum as calculated by the watermaster using information described in Exhibit C of the Condition 12 Settlement Agreement. Permittee shall notify the watermaster of any change in crop type, acreage irrigated, and irrigation method. Any change in water usage which results in an increase in average annual depletion of more than 10 percent for non-weather related reasons, as determined by the watermaster, will require filing a new water right application. (Agreement pp. 13-15, Exhibit E)

Inclusion in the permit of certain provisions of this Agreement shall not be construed as disapproval of other provisions of the Agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit.

(0000024)

The State Water Resources Control Board (SWRCB) shall have continuing authority under article X, section 2 of the California Constitution, Water Code sections 100 and 275, and the common law public trust doctrine over this permit to delete, revise, amend, or adopt new terms or conditions to: (1) implement the March 10, 1995, Condition 12 Settlement Agreement and any amendments to the agreement and (2) make the terms or conditions consistent with any order of the superior court. No action shall be taken pursuant to this paragraph unless the SWRCB provides notice to affected parties and provides an opportunity for a hearing.

(0000012)

(0220088)

PERMIT TERM 89 Shasta County - Summer Diversion

When Used: For all permits within Shasta County involving summer diversion when hydraulic continuity exists with the Sacramento River.

Term:

Diversion of water under this permit is allowed only so long as a water exchange contract with Shasta County Water Agency is in effect which covers the full amount of water diverted during the period from June 16 through August 31. A copy of the contract shall be filed with the State Water Resources Control Board.

(0220089)

PERMIT TERM 90 Reduction of Diversion Season - Delta and Tributary Rivers

When Used: For diversion from the Sacramento, Cosumnes, Mokelumne, Calaveras, or San Joaquin River Basins or the Sacramento - San Joaquin Delta when hydraulic continuity with the Delta exists, or is likely to exist, during the requested diversion season. Also for diversion from Russian River Watershed.

Term:

This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the _____* are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated by order of the SWRCB, made after notice to interested parties and opportunity for hearing.

(0000090)

* Sacramento, Cosumnes, Mokelumne, Calaveras, or San Joaquin River Basins or Sacramento - San Joaquin Delta or Russian River Watershed

PERMIT TERM 90A Reduction of Diversion Season – Russian River Watershed

When Used: For diversion from the Russian River Watershed when hydraulic continuity with the Russian River exists, or is likely to exist, during the requested diversion season.

Term:

This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Russian River Watershed are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated by order of the SWRCB, made after notice to interested parties and opportunity for hearing.

(0000090A)

PERMIT TERM 91 Inbasin Entitlements - Delta and Tributary Rivers

When Used: Permits of 1 cfs or more or 100 afa of storage or more within the Sacramento, Consumnes, Mokelumne, Calaveras, or San Joaquin River Basins or the Sacramento - San Joaquin Delta when hydraulic continuity with the Delta exists, or is likely to exist, during the requested diversion season. Exceptions are the Putah Creek, Stony Creek, and Cache Creek watersheds.

Term:

No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

- a. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Resources Control Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- b. Supplemental Project water is defined as that water imported to the basin by the projects plus water released from Project storage which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The State Water Resources Control Board shall notify permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators.

(0000091)

PERMIT TERM 92 Stony Creek upstream of Black Butte Dam

When Used: All permits upstream from Black Butte Dam.

Term:

This permit is subject to prior downstream rights, including those defined in the Angle Decree, Equity No. 30. Permittee shall allow access to project facilities to the Watermaster appointed by the United States District Court for the Eastern District of California to determine compliance with the terms of this permit. In diverting and storing water, permittee shall comply with orders of the Watermaster, including orders to release water stored adverse to prior downstream rights, unless otherwise directed by the State Water Resources Control Board or its representatives. Permittee shall pay any assessments for its proportionate share of the cost of watermaster service which have been approved by the United States District Court.

(0000092)

PERMIT TERM 93 Reduction of Diversion Season - San Joaquin River above Vernalis

When Used: All permits upstream of the Vernalis gaging station, except those not altering the rate or quantity of flow entering the Delta (non-consumptive direct diversion permits).

Term:

No diversion is authorized by this permit under the following conditions: (1) when in order to maintain water quality in the San Joaquin River at Vernalis at a level of 500 parts per million (ppm) Total Dissolved Solids (TDS), the Bureau of Reclamation is releasing stored water from New Melones Reservoir or is curtailing the collection of water to storage, or (2) during any time of low flows when TDS levels at Vernalis exceed 500 ppm. These restrictions shall not apply when, in the judgment of the State Water Resources Control Board, curtailment of diversion under this permit will not be effective in lowering the TDS at Vernalis, or when in the absence of permittee's diversion, hydraulic continuity would not exist between permittee's point of diversion and Vernalis. The Board shall notify permittee at any time curtailment of diversion is required under this term.

(0000093)

PERMIT TERM 94A Reserved Jurisdiction - San Francisco Bay

When Used: For large projects on the remaining tributaries to San Francisco Bay (below Collinsville) when hydraulic continuity with the Bay exists, or is likely to exist, during the requested diversion season (see note at bottom of page for definitions).

Term:

The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the Board concerning protection of beneficial uses of water in San Francisco Bay. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing.

(0000094A)

Note - Small projects are those for less than 1 cfs by direct diversion or 100 afa by storage. Large projects are those for more than these amounts. Streams tributary to Suisun Marsh are those entering the system from the north between Collinsville and Benicia.

PERMIT TERM 94B Reserved Jurisdiction - San Francisco Bay and Suisun Marsh

When Used: For all projects tributary to Suisun Marsh and for large projects on the remaining tributaries to San Francisco Bay (below Collinsville) when hydraulic continuity with the Bay exists, or is likely to exist, during the requested diversion season (see note at bottom of page for definitions).

Term:

The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the Board concerning protection of beneficial uses of water [(1)(2) or (3)].* Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing.

(0000094B)

- * 1. For large projects, except those tributary to Suisun Marsh, add "in San Francisco Bay".
- 2. For large projects tributary to Suisun Marsh, add "in San Francisco Bay and Suisun Marsh".
- 3. For small projects tributary to Suisun Marsh, add "in Suisun Marsh".

Note - Small projects are those for less than 1 cfs by direct diversion or 100 afa by storage. Large projects are those for more than these amounts. Streams tributary to Suisun Marsh are those entering the system from the north between Collinsville and Benicia.

PERMIT TERM 94C Reserved Jurisdiction - Suisun Marsh

When Used: For all projects tributary to Suisun Marsh.

Term:

The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the Board concerning protection of beneficial uses of water [(1)(2) or (3)].* Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing.

(0000094C)

- * 1. For large projects, except those tributary to Suisun Marsh, add "in San Francisco Bay".
- 2. For large projects tributary to Suisun Marsh, add "in San Francisco Bay and Suisun Marsh".
- 3. For small projects tributary to Suisun Marsh, add "in Suisun Marsh".

Note - Small projects are those for less than 1 cfs by direct diversion or 100 afa by storage. Large projects are those for more than these amounts. Streams tributary to Suisun Marsh are those entering the system from the north between Collinsville and Benicia.

PERMIT TERM 95 Area of Origin Protection from Export Projects

When Used: For appropriations filed after January 1, 1985 proposing export of water, not subject to Water Code section 11460, originating on all lands which normally drain to the ocean, to a hydraulic sink, or to another state within any of the following stream systems:

1. Sacramento River
2. Mokelumne River
3. Calaveras River
4. San Joaquin River
5. Mono Lake
6. Walker River
7. Carson River
8. Truckee River
9. Russian River and Northward to the Oregon boarder that drain to the ocean.

Term:

Appropriation of water under this permit for export from the _____ (name) * System is subject to the prior rights of water users within said system to all of the water reasonably required to adequately supply the beneficial needs within said system, regardless of when such use is initiated.

(0000095)

* Include name of the system from list in instructions above.

PERMIT TERM 100 Report of Waste Discharge - Reservoir Construction & Land Development

When Used: For reservoirs on perennial streams when construction has not been completed and for all projects where the quality of water of the State could be affected by land development or construction activity involved in achieving the land use with which the appropriation of water will be associated.

Term: In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction, permittee shall file a report pursuant to Water Code section 13260 and shall comply with all waste discharge requirements imposed by the California Regional Water Quality Control Board, _____ Region, or by the State Water Resources Control Board.

(0000100)

Note - Send copy of permit to Regional Board.

PERMIT TERM 101 Report of Waste Discharge - Use of Water

When Used: If use of the water to be appropriated or its resulting return flow or wastewater could affect water quality and, therefore, require filing of waste discharge reports under Water Code section 13260, or when requested by any of the California Regional Water Quality Control Boards. Do not use if the regional board concerned has waived the filing of reports for all types of waste discharge resulting from the proposed uses.

Term:

No water shall be used under this permit until permittee has filed a report of waste discharge with the California Regional Water Quality Control Board, _____ Region, pursuant to Water Code section 13260, and the Regional Board or State Water Resources Control Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Board or State Board are being met. No point source discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Board or the State Board. A discharge to ground water without issuance of a waste discharge requirement may be allowed if, after filing the report pursuant to section 13260:

- (1) the Regional Board issues a waiver pursuant to section 13269, or
- (2) the Regional Board fails to act within 120 days of the filing of the report.

No permittee shall be required to file a report of waste discharge pursuant to section 13260 of the Water Code for percolation to ground water of water resulting from the irrigation of crops.

(0290101)

Note - Send copy of permit to Regional Board.

PERMIT TERM 102 Hydroelectric Power Projects in Central Valley Basin.

When Used: For all hydroelectric power projects located in the Central Valley Basin.

Term: Permittee shall, prior to construction, file a Report of Waste Discharge pursuant to Water Code section 13260 with the California Regional Water Quality Control Board, Central Valley Region (Regional Board), and shall comply with all Waste Discharge Requirements issued by the Regional Board. If the Regional Board waives issuance of Waste Discharge Requirements, permittee shall comply with Parts I and II of the "Guidelines for Protection of Water Quality During Construction and Operation of Small Hydro Projects" (Guidelines) as contained in the Water Quality Control Plans of the Central Valley Basin.

Specific requirements set forth in this permit shall prevail over any specific or general requirements in the referenced Guidelines in the event of conflict.

When complying with the Guidelines, pursuant to this condition, permittee shall not commence construction until the Erosion Control Plan and any baseline data required by the Guidelines have been submitted to and approved in writing by the Regional Board; and before commencing sluicing operations, permittee shall submit and receive written approval from the Regional Board of the Sluicing Operation Plan.

(0000102)

PERMIT TERM 110 Hydraulic Continuity - Direct Diversion

When Used: As necessary for direct diversion only.

Term:

During the period between _____ and _____ if, in the absence of permittee's diversion, hydraulic continuity would exist between permittee's diversion point and _____, permittee shall not divert water under this permit.

(0000110)

Note - Send special explanation with permit transmittal letter (See Division Chief's Memo No. 35).

PERMIT TERM 111 Nonconsumptive Use - Direct Diversion

When Used: For direct diversion nonconsumptive use when water diverted is to be returned to streamflow.

Term:

Water diverted under this permit is for nonconsumptive use and is to be released to within the $\frac{1}{4}$ of $\frac{1}{4}$ of section __, T__, R__, __B&M.

(0000111)

PERMIT TERM 112 Reverse Priority

When Used: Where the priority of an appropriation is to be junior to a permit issued on a later filed application.

Term:

The rights acquired under this permit shall be junior to the rights acquired under the permit issued pursuant to Application _____.

(0000112)

PERMIT TERM 113 Equal Priority

When Used: Where the priority of appropriations are to be equal.

Term:

The rights acquired under this permit shall be of equal priority with the rights acquired under this permit issued pursuant to Application ____.

(0000113)

PERMIT TERM 114A Limitation of Total Amount of Water Used under Combined Rights with Existing Permit(s)

When Used: As necessary.

Term:

The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application _____, shall not exceed _____.

(0000114A)

For a limitation on direct diversion rates, use Permit Term 114c or 114d.

PERMIT TERM 114B Limitation of Total Amount of Water Used under Combined Rights with Existing License(s)

When Used: As necessary.

Term:

The total quantity of water diverted under this permit, together with that diverted under the license issued pursuant to Application _____, shall not exceed _____.

(0000114B)

For a limitation on direct diversion rates, use Permit Term 114C or 114D.

PERMIT TERM 114C Limitation of Diversion Rate under Combined Rights with Existing Permit(s)

When Used: As necessary.

Term:

The maximum simultaneous rate of diversion under this permit, together with that diverted under the permit issued pursuant to Application _____, shall not exceed _____.

(0000114C)

For a limitation on total quantity of diversion, use Permit Term 114A or 114B.

PERMIT TERM 114D Limitation of Diversion Rate under Combined Rights with Existing License(s)

When Used: As necessary.

Term:

The maximum simultaneous rate of diversion under this permit, together with that diverted under the license issued pursuant to Application _____, shall not exceed _____.

(0000114D)

For a limitation on total quantity of diversion, use Permit Term 114a or 114b.

PERMIT TERM 115 No Limitation on Existing Rights

When Used: As necessary to clarify that permit does not limit existing rights.

Term:

The issuance of this permit shall not be construed as placing a limitation on any riparian right or decreed right to the waters of _____ held by permittee.

(0000115)

PERMIT TERM 116 Fire Protection Limitation

When Used: If fire protection use determines the quantity allowed.

Term:

The right to use water for fire protection purposes authorized by this permit is limited to that quantity normally necessary for actual fire fighting and to maintain an adequate reserve for fire protection.

(0000116)

PERMIT TERM 117 Measuring Devices - Underground Storage

When Used: All permits for underground storage.

Term:

Prior to diversion of water under this permit, permittee shall (1) install devices to measure the quantities of water placed into underground storage and (2) install devices to measure or provide documentation of the method to be used to determine the quantity of water recovered from underground storage and placed to beneficial use. All measuring devices and the method of determining the quantity of water recovered from underground storage shall be approved by the State Water Resources Control Board prior to diversion of water under this permit. All measuring devices shall be properly maintained.

(0080117)

PERMIT TERM 118A Selective Clearing Program - Existing

When Used: If approval of the application is justified solely on the basis of water saved through brush clearing.

Term:

This permit is subject to the continuation of a selective clearing program within the watershed of the reservoir(s) under this permit which will control the growth of brush to the extent to which the growth of brush was controlled in such watershed under the applicant's selective clearing program in (year)*, and shall consist of a periodic removal of brush from ___ acres within ___**. Permittee shall provide to the State Water Resources Control Board, at regular intervals not to exceed five years, satisfactory evidence of compliance with this term.

(0020118A)

* Year of issuance of permit.

** Description of location of cleared land by range and township.

PERMIT TERM 118B Selective Clearing Program - To Be Implemented

When Used: If approval of the application is justified solely on the basis of water saved through brush clearing.

Term:

This permit is subject to implementation and maintenance of the selective clearing program within the watershed of the reservoir(s) under this permit consisting of the periodic removal of brush from ___ acres within ____*. Permittee shall provide the Board, upon implementation of the program and thereafter at regular intervals not to exceed five years, satisfactory verification that the brush clearing program is being maintained.

(0020118B)

* Description of location of cleared land by range and township.

PERMIT TERM 119 State Filing Involvement

When Used: Permits issued on applications assigned by the State Water Resources Control Board, or applications in favor of which release from priority of a State filing has been granted by the Board.

Term:

Before making any change in the project determined by the State Water Resources Control Board to be substantial, permittee shall submit such change to the Board for its approval in compliance with Water Code section 10504.5(a).

(0000119)

PERMIT TERM 200

FISH & WILDLIFE PROTECTION BYPASS TERM

When used: Whenever a bypass term is needed for fish and wildlife protection and there is no special term for a stream system. Choose the most appropriate version to customize for each stream. Whenever possible, a passive bypass structure is usually preferable to a streamflow measuring device.

Term:

a) For the protection of fishery resources, Permittee shall bypass a minimum of sixty percent (60%) of the average annual runoff of **stream name**¹, or **amount** cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated rate.

or

b) For the protection of fisheries, wildlife, and other instream (and public trust) uses in the **stream name**, diversions under this permit shall be subject to maintenance of minimum bypass flows in **stream name**:

1. From **date to date**, **amount** cubic feet per second;
2. From **date to date**, **amount** cubic feet per second;
3. From **date to date**, **amount** cubic feet per second; *as measured?* for as many periods as necessary.

To be used with either a) or b) above: No diversion shall take place under this permit if the flow in **stream name** is, or would be reduced by such diversion, below the designated rates. To ensure compliance with this condition, by **date** of each year Permittee shall file a report with the Chief, Division of Water Rights, containing the following information:

- a. Dates during the previous period of **date to date** when water was diverted under this permit; and
- b. Flows measured in **stream name** under this permit during the same period.

a) No water shall be diverted under this permit until the Permittee has installed a structure in **stream name**, satisfactory to the State Water Resources Control Board, which is capable of passively bypassing the flow(s) required by the conditions of this permit. Permittee shall submit plans and specifications of the bypass structure to the Chief of the Division of Water Rights, within six-months of the date the permit is issued. The plans for bypass structure shall be reviewed and must be satisfactory to the Chief, Division of Water Rights, before any construction is undertaken. Permittee shall furnish evidence which substantiates that the bypass structure has been installed, within sixty (60) days from the date of approval of the water right permit. If the bypass structure is rendered inoperative for any reason, all diversions shall cease until such time as it is restored to service. Said bypass structure shall be properly calibrated, operated, and maintained by the Permittee (or successors-in-interest) as long as any water is being diverted under any permit or license issued pursuant to Application **NUMBER**.

or

b) No water shall be diverted under this permit until the Permittee has installed a device in **stream name**, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flow(s) required by the conditions of this permit. Permittee shall submit plans and specifications of the streamflow measuring device to the Chief of the Division of

Water Rights, within six-months of the date the permit is issued. The device and the location of the monitoring station shall be reviewed and must be satisfactory to the Chief, Division of Water Rights, before any construction is undertaken. Permittee shall furnish evidence which substantiates that the streamflow measuring device has been installed, within sixty (60) days from the date of approval of the water right permit. If the measuring device is rendered inoperative for any reason, all diversions shall cease until such time as the device is restored to service. Said measuring device shall be properly calibrated, operated, and maintained by the Permittee (or successors-in-interest) as long as any water is being diverted under any permit or license issued pursuant to Application **NUMBER**.

(0140200)

PERMIT TERM 201 PULSE FLOW BYPASS TERM FOR COASTAL STREAMS

When used: For streams in the coastal mountain range with westerly drainage- to the Pacific Ocean if there is no special term for the stream system and for use with Term 60.

Term:

For the protection of anadromous fish attraction and migration in coastal streams, Permittee shall, during the diversion period from **months** be subject to maintenance of minimum bypass flows in **stream name**; except that the entire flow shall be bypassed for **number of** consecutive days after a Pacific storm causes streamflow in **stream name** to rise above **amount** cubic feet per second. Pulse flows shall be measured at **location**.

or

For the preservation of pulse flows, necessary for upstream migration of fish and gravel recruitment, the maximum rate of direct diversion or diversion to offstream storage shall not exceed **number** percent (%) of the average annual unimpaired flow of the **stream name**, or **amount** cubic feet per second.

To ensure compliance with this condition, by **date** of each year Permittee shall file a report with the Chief, Division of Water Rights, containing the following information:

- a. Dates during the previous period of **date** to **date** when water was bypassed under this permit; and
- b. Flows measured at **location** in **stream name** under this permit during the same period.

a) No water shall be diverted under this permit until the Permittee has installed a structure in **stream name**, satisfactory to the State Water Resources Control Board, which is capable of passively bypassing the flow(s) required by the conditions of this permit. Permittee shall submit plans and specifications of the bypass structure to the Chief, Division of Water Rights, within six-months of the date the permit is issued. The plans for bypass structure shall be reviewed and must be satisfactory to the Chief, Division of Water Rights, before any construction is undertaken. Permittee shall furnish evidence which substantiates that the bypass structure has been installed, within sixty (60) days from the date of approval of the water right permit. If the bypass structure is rendered inoperative for any reason, all diversions shall cease until such time as it is restored to service. Said bypass structure shall be properly calibrated, operated, and maintained by the Permittee (or successors-in-interest) as long as any water is being diverted under any permit or license issued pursuant to Application **NUMBER**.

or

b) No water shall be diverted under this permit until the Permittee has installed a device in **stream name**, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flow(s) required by the conditions of this permit. Permittee shall submit plans and specifications of the streamflow measuring device to the Chief, Division of Water Rights, within six-months of the date the permit is issued. The device and the location of the monitoring station shall be reviewed and must be satisfactory to the Chief, Division of Water Rights, before any construction is undertaken. Permittee shall furnish evidence which substantiates that the streamflow measuring device has been installed, within sixty (60) days from the date of approval of the water right permit. If the measuring device is rendered inoperative for any reason, all diversions shall cease until such time as the device is restored to service. Said measuring device shall be properly calibrated, operated, and maintained by the Permittee (or successors-in-interest) as long as any water is being diverted under any permit or license issued pursuant to Application **NUMBER**.

(0000201)

PERMIT TERM 202 SAN GREGORIO CREEK (SAN MATEO COUNTY)
MINIMUM BYPASS FLOWS

This term is a direct quote from the adjudication decree.

When used: For all applications on San Gregorio Creek, San Mateo County.

Term:

For protection of fisheries, wildlife, and other instream and public trust uses in the San Gregorio Creek Stream System, the Permittee/Licensee shall be subject to the following minimum flows at the USGS San Gregorio gage located at the Old Coast Highway Crossing:

December 1 to April 30: 10 cubic feet per second (cfs); except that the entire creek flow shall be bypassed for 5 consecutive days after a Pacific storm causes streamflow to rise above 50 cfs;

May 1 to June 15: 10 cfs when the sandbar at the mouth of San Gregorio Creek is open; 2 cfs when the sandbar is closed; and

June 16 to November 30: 2 cfs or the entire streamflow, whichever is less.

(0000202)

PERMIT TERM 203 OTHER AGENCY PERMITS.

When used: For all applications which require other agency permits.

Term:

The Permittee shall obtain all necessary state and local agency permits required by other agencies prior to construction and diversion of water. Copies of such permits and approvals shall be forwarded to the Chief, Division of Water Rights.

(0000203)

**PERMIT TERM 204 RESPONSIBILITY FOR MEASURING DEVICE FOR
BYPASS (if using a USGS- or DWR-operated gage)**

When used: For all applications that have bypass specifications at stream gages operated by the USGS or Department of Water Resources.

Term:

For the protection of fish and wildlife and instream uses, Permittee shall bypass the total streamflow, at all points of diversion, whenever the flow in the **stream name** is less than **amount** cubic feet per second as measured at the **name of gage on the stream name**, California. In the event that said gage is no longer available for streamflow measurements, Permittee (or successors-in-interest) is responsible for installing and maintaining an equivalent gage, satisfactory to the Chief, Division of Water Rights, as near as practicable to the present location of **name of gage**. In the absence of such an equivalent gage, all diversions must cease. These requirements shall remain in force as long as water is being diverted by Permittee (or successors-in-interest) under any permit or license issued pursuant to Application **NUMBER**.

(0000204)

**PERMIT TERM 205 RED-LEGGED FROG AND SAN FRANCISCO GARTER
SNAKE PROTECTION TERM**

When used: For all San Mateo County Projects that contain habitat suitable for the red-legged frog or the San Francisco garter snake.

Term:

For the protection of habitat for the Red-legged frog (*Rana aurora draytoni*) and the endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) and to allow for the growth of riparian vegetation, Permittee shall:

- a. establish and maintain, undisturbed, a **150**-foot-wide [exact width subject to negotiation] strip of natural upland vegetation around the water storage reservoir;
- b. obtain approval of the U.S. Fish and Wildlife Service, Sacramento Endangered Species Office, and the California Department of Fish and Game prior to any reservoir dredging operations;

- c. refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations; and
- d. restrict cattle and domestic stock access to the reservoir to a maximum of 10 percent of the shoreline or construct outlet pipes to watering troughs.

These requirements shall remain in effect as long as water is being diverted by Permittee (or successors-in-interest) under any permit or license issued pursuant to Application **NUMBER**.
(0000205)

PERMIT TERM 206 RIPARIAN HABITAT PROTECTION

When used: For those projects where the place of use includes reaches of a stream that supports riparian vegetation.

Term: For the protection of riparian habitat, Permittee shall establish a setback of **number** feet along **stream name**. The stream setback shall be measured from the top of the bank on both sides of the stream. No activity shall occur within the setback area, including, but not limited to, grading, roads, fencing, storage areas, and irrigation, with the exception of access roads. Permittee shall restrict cattle or other domestic stock access to the riparian area. These requirements shall remain in effect as long as water is being diverted under any permit or license issued pursuant to Application **NUMBER**.

(0000206)

PERMIT TERM 207 EROSION HAZARD TERM

When used: For use when a storage project is in area with erosion hazards and county controls are not in place to ensure the issues will be addressed appropriately.

Term:

An erosion control/revegetation plan and implementation schedule, prepared by a licensed civil engineer, shall be submitted to and approved by the Chief, Division of Water Rights, prior to starting construction. Before storing water in the reservoir, Permittee shall furnish evidence which substantiates that the erosion control/revegetation plan has been implemented. Evidence includes photographs showing the project area vegetation and slopes.

(0000207)

PERMIT TERM 208 CONSTRUCTION POLLUTION PREVENTION

When used: For water pollution control during construction and operation of the project.

Term:

No debris, soil, silt, cement that has not set, oil, or other such foreign substance will be allowed to enter into or be placed where it may be washed by rainfall runoff into the waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.

(0000208)

PERMIT TERM 209 ENDANGERED PLANT PROTECTION

When used: For projects that require mitigation measures for possible impacts on endangered plants. Details of term should be derived from consultation with DFG or FWS when the SWRCB is lead agency.

Term:

For the protection of the endangered **common & scientific names of endangered species** populations identified in the report of the rare plant survey made by **author of report and date**, the following conditions shall apply to any activities authorized under a permit issued pursuant to this application:

- a. Permittee shall not impact the species by spraying herbicides within **number of** feet of the plant population between **months** of any year;
- b. Permittee shall not allow any land disturbance within **number of** feet of the specified endangered plant population; and
- c. Permittee shall permanently identify the plant population by surrounding the site with flagged construction stakes to be spaced and maintained at a maximum distance of **number of** feet apart.
- d. Permittee shall restrict cattle or other domestic stock access to the plant population.
- e. Permittee shall prepare, or cause to be prepared, a long-term habitat conservation plan, in consultation with the Department of Fish and Game, for the protection of the species and shall submit a copy of said plan to the Chief, Division of Water Rights. Amendments to the said plan shall be prepared in consultation with the Department of Fish and Game and a copy of any such amendments shall be submitted to the Chief, Division of Water Rights.

Permittee shall allow representatives of the Division of Water Rights reasonable access upon notification of the Permittee or the Permittee's agent for the purpose of verifying these conditions of the permit.

These requirements shall remain in effect as long as water is being diverted by the Permittee (or successors-in-interest) under any permit or license issued pursuant to Application **NUMBER**.

(0000209)

PERMIT TERM 210 MITIGATION FOR IMPACTS ON OAK WOODLAND

When used: For projects that would adversely affect oak woodlands.

Term:

Permittee shall, for the maintenance of oak woodland, plant three oak trees for every one oak tree removed. Trees may be planted in groves in order to maximize wildlife benefits and shall be native to **name** County. The tree species and planting scheme shall be approved by the Department of Fish and Game prior to planting. Permittee shall submit to the Chief, Division of Water Rights, a copy of the approved planting scheme.

_____ year(s) after completion of the tree planting program, photo documentation showing the trees shall be submitted to the Chief, Division Of Water Rights. Permittee shall replace plants as needed to assure a 75% survival rate.

Permittee shall prepared a long-term wildlife habitat maintenance plan for the re-planted oak woodland in consultation with the Department of Fish and Game; Permittee shall submit a copy of this plan to the Chief, Division of Water Rights. Any changes to this plan must be approved by the Department of Fish and Game; Permittee shall submit a copy of any approved changes to the Chief, Division of Water Rights. The re-planted oak woodland shall be maintained as wildlife habitat as long as water is being diverted under any permit or license issued pursuant to Application **NUMBER**.

(0000210)

PERMIT TERM 211 SPECIAL NAVARRO RIVER TERMS

When used: For projects on the Navarro River (Terms A through D).

Term A:

For the protection of fish and wildlife and instream uses, Permittee shall bypass the total streamflow, at all points of diversion, whenever the flow in the **stream name** is less than **amount** cubic feet per second as measured at the **gage** on the **stream name**, California. In the event that said gage is no longer available for streamflow measurements, Permittee is responsible for installing and maintaining an equivalent type gage, satisfactory to the Chief, Division of Water Rights, as near as practicable to the present location of **name of gage**.

Term B: (Use for multiple points of diversion.) In order to ensure that streamflow sediment transport capability is maintained, the total rate of diversion from all diversion points under this permit shall be limited to **amount** cubic feet per second. Each diversion facility shall be designed such that the total capacity of all facilities does not exceed **amount** cubic feet per second. Permittee shall submit plans on specifications of all diversion facilities to the Chief, Division of Water Rights, for approval prior to installation.

Term C: The season of diversion for this project shall be limited to *December 15* through *March 15* of each year. Said winter diversion must also be in conformance with the special fisheries bypass flows as described in special Permit Term A.

Term D: Permittee shall install and maintain measuring devices, satisfactory to the Chief, Division of Water Rights, which are capable of measuring the instantaneous rate of diversion and the cumulative quantity of water diverted under this permit. A record of daily measurements shall be maintained by the Permittee, including readings at the beginning and end of the diversion season. A copy of the measurement records shall be submitted to the Chief, Division of Water Rights, no later than 30 days after the end of each diversion season.

(0000211)

**PERMIT TERM 212 DEDICATION OF WATER RELEASED UNDER
SECTION 1707 OF THE WATER CODE.**

When used: For water released by petition for the purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, recreation, or on, the water.

Term:

For the preservation or enhancement of wetlands habitat, fish and wildlife resources, and recreation, Permittee shall not divert water whenever the flow in **stream name** is comprised of water released for the purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation on or in the water.

(0000212)

PERMIT TERM 213 Fish Screens

When Used: For diversions from any surface waters having fish where fish screens are appropriate.

Term: No water shall be diverted under this permit until permittee has constructed a fish screen or has proposed and constructed an alternative. Any alternative must comply with the Department of Fish and Game criteria and receive their written approval. Permittee shall submit a copy of the State Department of Fish and Game's written approval of the plans and design calculations to the Division of Water Rights within 30 days from the date of the approval. Construction, operation, and maintenance of any required facility are the responsibility of the permittee. If the fish screen(s) or any alternative(s) is (are) rendered inoperative for any reason, the permittee shall notify the Chief of the Division of Water Rights immediately and shall restore the equipment to service as soon as possible.

(0000213)

**PERMIT TERM 214 ENDANGERED OR THREATENED SPECIES FISH
SCREEN TERM**

When Used: For use in cases where there is a listed species under the Endangered Species Act, and use of the term may result in the fish agency not requiring a take permit. This term would be accompanied by a finding that the screen will prevent harm to the listed species.

Term:

No water shall be diverted under this permit except through a fish screen on the intake to the diversion structure, satisfactory to meet the physical and operational specifications of the [California Department of Fish and Game/ United States Fish and Wildlife Service/ National Marine Fisheries Service] to protect [name of fish], listed as endangered or threatened under [the California Endangered Species Act (Fish and Game Code sections 2050 to 2098)/ the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544)]. Construction, operation, and maintenance costs of the required facility are the responsibility of the [permittee/licensee].

(0000214)

PERMIT TERM 215 CULTURAL RESOURCES PROTECTION.

When used: For all projects where the SWRCB is the lead agency under CEQA and the preliminary review indicates that cultural resources may be affected.

Term

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Chief of the Division of Water Rights.

(0000215)

PERMIT TERM 300A RIPARIAN WATER USE TERM.

When used: For all projects where the SWRCB has determined that riparian water has been used on the proposed place of use

Term

Permittee shall not use more water under the basis of riparian right on the place of use authorized by this permit than permittee would have used absent the appropriation authorized by this permit. Based on the information in the Division's files, approximately acre-feet per year of riparian water has been used on the place of use. Therefore, consistent with this term, permittee may not divert any additional riparian water for use on the place of use authorized by this permit under basis of riparian right. With the Chief of the Division's approval, this information may be updated, and permittee may use water under basis of riparian on the authorized place of use, provided that permittee submits reliable evidence to the Chief of the Division quantifying the amount of water that permittee likely would have used under the basis of riparian right absent the appropriation authorized by this permit. The Chief of the Division is hereby authorized to approve or reject any proposal by permittee to use water under the basis of riparian right on the place of use authorized by this permit.

(0560300A)

PERMIT TERM 300B RIPARIAN WATER USE TERM.

When used: For all projects where the SWRCB has determined that riparian water has not been used on the proposed place of use

Term

Permittee shall not use more water under the basis of riparian right on the place of use authorized by this permit than permittee would have used absent the appropriation authorized by this permit. Based on the information in the Division's files, riparian water has not been used on the place of use. Therefore, consistent with this term, permittee may not divert any additional riparian water for use on the place of use authorized by this permit under basis of riparian right. With the Chief of the Division's approval, this information may be updated, and permittee may use water under basis of riparian on the authorized place of use, provided that permittee submits reliable evidence to the Chief of the Division quantifying the amount of water that permittee likely would have used under the basis of riparian right absent the appropriation authorized by this permit. The Chief of the Division is hereby authorized to approve or reject any proposal by permittee to use water under the basis of riparian right on the place of use authorized by this permit.

(0560300B)

PERMIT TERM A Placer County Water Agency Spills or Return Flow Water

When Used: Permits that could affect Placer County Water Agency's water as appropriate. (Also include standard permit term 43 if storage will be authorized).

Term:

This permit does not entitle permittee to divert any Placer County Water Agency spills or return flows which are now or in the future may be reused by Placer County Water Agency

Placer County Water Agency is not required to continue to supply spill or return flow water into (name of source).

Permittee shall not divert or impound any foreign water imported by Placer County Water Agency, which Placer County Water Agency intends to use or make available to its customers downstream from permittee's point of diversion.

(000000A)

PERMIT TERM B Purchase from Nevada Irrigation District

When Used: Permits for storage on sources which could affect Nevada Irrigation District's water. (Also include standard permit terms 43 or 44 as appropriate).

Term:

No water shall be diverted under this permit until permittee has installed devices, satisfactory to the State Water Resources Control Board, which are capable of measuring the flow into and out of permittee's reservoir during the nonstorage season unless water is purchased from the Nevada Irrigation District to offset seepage and evaporation losses at the reservoir. Said devices shall be properly maintained.

(000000B)

PERMIT TERM C Tributaries to Lake Hennessey

When Used All storage projects above Lake Hennessey. (Also include standard permit terms 43 and 47).

Term:

During years in which Lake Hennessey does not spill, upon request from the City of Napa, permittee shall immediately release water from the reservoir(s) at the maximum practicable rate, up to the total quantity impounded that diversion season, to flow into Lake Hennessey.

Permittee shall not be obligated to release water in the reservoir(s) below the previous October 1* staff gage reading, unless permittee has withdrawn water from the reservoir(s) for consumptive purposes since October 1*.

(000000C)

*Or other date. The same date should also appear in standard permit term 47.

PERMIT TERM D1 Tributaries to Clear Lake – Agreement

When Used: Storage projects when permittee has entered into the standard contract for purchase of water from Yolo County Flood Control and Water Conservation District.

Term:

Permittee shall comply with the following provisions which are derived from the contract between _____ and Yolo County Flood Control and Water Conservation District executed on _____ and filed with the State Water Resources Control Board:

(1) If during the period from September 1 of any year through April 30 of the succeeding year, either (a) the elevation of Clear Lake has reached 7.56 feet as measured on the Rumsey Gage or (b) water has been discharged from Clear Lake to hold the water level down in compliance with the Gopcevic Decree, water collected to storage during permittee's corresponding diversion season shall be water appropriated under this permit. If during such period from September 1 through April 30, either (a) or (b) above does not occur, water collected in permittee's reservoir(s) shall be purchased from the Yolo County Flood Control and Water Conservation District.

Permittee shall install and maintain in the reservoir(s) an accurate direct reading staff gage, calibrated to storage in acre-feet, which is referenced to a permanent benchmark. Permittee shall supply the staff gage reading on or about October 1 of each year to the Yolo County Flood Control and Water Conservation District and to the State Water Resources Control Board with permittee's report of annual water use.

(3) Permittee shall allow a designated representative of the Yolo County. Flood Control and Water Conservation District reasonable access to the reservoir(s) for the purpose of determining water levels.

Inclusion in this permit of certain provisions of the referenced contract shall not be construed as disapproval of other provisions of the contract or as affecting the enforceability, as between the parties, of such other provisions insofar as they are inconsistent with the terms of this permit.

(000000D1)

Note: If standard permit term 47 is to be included in the permit for other purposes, modify term 47 as in (2) and (3) above and delete those paragraphs from this term.

PERMIT TERM D2 Tributaries to Clear Lake – No Agreement

When Used: When permittee has not entered into an agreement with Yolo County Flood Control and Water Conservation District and standard permit term 51, or other release term, is not appropriate.

Term:

This permit is subject to the prior rights of the Yolo County Flood Control and Water Conservation District to store water in Clear Lake as set forth in the Gopcevic Decree. During years in which the elevation of Clear Lake does not reach 7.56 feet as measured on the Rumsey Gage and water has not been discharged from Clear Lake to hold the water level down in compliance with the Gopcevic Decree, diversion under this permit is not authorized unless permittee legally exchanges an equivalent amount of water from another source.

Nothing in this term is intended to prohibit the permittee from purchasing water from the Yolo County Flood Control and Water Conservation District or other party when diversion under this permit is not authorized.

(000000D2)

PERMIT TERM E1 Stony Creek Watershed – Above Black Butte Reservoir

When Used: Permits for storage in the Stony Creek watershed above Black Butte Reservoir that are within Tehama or Glenn Counties. (Diverters within Colusa County have county of origin protection).

Term:

During any water year in which Black Butte Reservoir does not collect its authorized diversion because of inadequate inflow, and if, in the absence of permittee's diversion, hydraulic continuity would exist between permittee's diversion point and Black Butte Reservoir, permittee shall release water collected to storage during the current diversion season to flow downstream to satisfy such prior right. Nothing in this term shall require release of water legally collected to storage during previous diversion seasons.

(000000E1)

Note: Standard permit terms 43, 47, and 92 should also be included in the permit.

PERMIT TERM E2 Stony Creek Watershed – Above Stony Gorge Reservoir

When Used: Permits for storage in the Stony Creek watershed that are above Stony Gorge Reservoir but below East Park Reservoir or Rainbow Diversion Dam (East Park Feeder Canal).

Term:

During any water year in which Stony Gorge Reservoir does not collect its authorized diversion because of inadequate inflow, and if, in the absence of permittee's diversion, hydraulic continuity would exist between permittee's diversion point and Stony Gorge Reservoir, permittee shall release water collected to storage during the current diversion season to flow downstream to satisfy such prior right. Nothing in this term shall require release of water legally collected to storage during previous diversion seasons.

(000000E2)

Note: Standard permit terms 43, 47, and 92 should also be included in the permit.

PERMIT TERM E3 Stony Creek Watershed – Above East Park Reservoir

When Used: Permits for storage in the Stony Creek watershed above East Park Reservoir or the East Park Feeder Canal.

Term:

During any water year in which runoff, including water from the East Park Feeder Canal, entering East Park Reservoir and Stony Gorge Reservoir is insufficient to provide net collection to storage of the lesser amounts of either 51,000 acre-feet in East Park Reservoir and 50,200 acre-feet in Stony Gorge Reservoir, or water sufficient to fill those reservoirs to those storage levels by April 30, permittee shall release water collected to storage during the current diversion season to flow downstream to East Park and Stony Gorge Reservoirs to satisfy such amounts. Net collection to storage in East Par Reservoir and Stony Gorge Reservoir shall include water sufficient to replace any water released from carry-over storage at those reservoirs. Permittee shall release said water at as high a rate as possible not to exceed the capacity of the stream channel.

If, between March 15 and October 15 of each year, inflow is being bypassed at East Park and Stony Gorge Reservoirs to fulfill downstream direct diversion rights, all inflow to permittee's reservoir shall be bypassed.

Nothing in this term shall require release of water legally collected to storage during previous water years.

(000000E3)

Note: Standard permit terms 43, 47, and 92 should also be included in the permit.

PERMIT TERM F Pit River – PGE’s Prior Rights

When Used: Storage projects on tributaries to the Pit River above diversion to PG&E’s Pit 5 Power House.

Term:

Permittee shall divert water to storage under this permit only when the flow in the Pit River is sufficient to satisfy Pacific Gas and Electric Company’s prior water rights for the Pit 5 Power House.

(000000F)

Note: Permit should also include standard permit term 43.

**PERMIT TERM G Fish Bypass on Lower Pescadero Creek or Butano Creek
(San Mateo County)**

When Used: Permits on Lower Pescadero Creek or Butano Creek.

Term:

The State Water Resources Control Board reserves jurisdiction over this permit to change the fish bypass amounts to conform to the results of a comprehensive field study to be completed by the California Department of Fish and Game to determine minimum streamflow required to protect fishlife. Action to change the bypass amounts will be taken only after notice to interested parties and opportunity for hearing.

No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resource Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be proper maintained. As an alternative, a single measuring device installed and maintained jointly by all water users on Lower Pescadero Creek (or Butano Creek*), located at a position on the creek acceptable to the Department of Fish and Game and the State Water Resources Control Board, may be substituted.

(000000G)

*Use only for permits on Butano Creek.

PERMIT TERM H1 Retrofit Power – No IBUA

When Used: When power is to be generated by a retrofit plant on an existing dam using water released for other purposes or which would otherwise flow unused through the spillway or outlet pipes.

Term:

This permit does not authorize any change in the streamflow regime of (name of source).
(000000H1)

PERMIT TERM H2 Power on Existing Canals or Pipelines – No IBUA

When Used: For incidental power to be generated using water flowing in existing canals, ditches, pipelines, etc. for other purposes.

Term:

Diversion of water under this permit is incidental to the quantity of water being conveyed [name of facility]* for other purposes. This permit does not authorize diversion of water in excess of that authorized under other rights. Operations under this permit shall not change the flow regime in (name of facility/source).
(000000H2)

*Optional

PERMIT TERM I Only Power – Subject to Upstream Uses

When Used: Diversions exclusively for power.

Term:

All rights and privileges to appropriate water for power purposes under this permit any subsequently issued license are subject to depletions resulting from future upstream appropriation for domestic and stockwatering uses within the watershed. Such rights and privileges under this permit may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to permittee or licensee of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, if requested, may be consolidated with the hearing on such applications.
(000000I)

PERMIT TERM J Other agency Approval

When Used: On all projects where other federal, state, or local agency approval is required.

Term:

No construction shall be commenced and no water shall be used under this permit until all necessary federal, state and local approvals have been obtained, [including compliance with any applicable Federal Energy Regulatory Commission requirements.]*

(000000J)

*Include of this clause for power projects; may be modified to fit other situations as appropriate.

PERMIT TERM K1 Safety Issue – Non Jurisdictional Dam -- Already Built

When Used: In permits when a protest on dam safety has been filed, and the dam is not within the jurisdictional size of the Division of Dam Safety; and a reasonable doubt exists as to the integrity of the dam or spillway.

Term:

Storage of water under this permit shall not begin until the County Engineer, the United States Soil Conservation Service, or a civil engineer registered by the State of California has approved the plans and specifications for the dam, or has otherwise certified as to the safety of the dam, and any modification, reconstruction, or enlargement of the dam is under the direction of said party.

(000000K1)

PERMIT TERM K2 Safety Issue – Non Jurisdictional Dam -- Not Built

When Used: In permits when a protest on dam safety has been filed, and the dam is not within the jurisdictional size of the Division of Dam Safety; and it appears that dam failure would pose a threat to life or downstream property.

Term:

Construction of the storage dam shall not begin until the County Engineer, the United States Soil Conservation Service, or a civil engineer registered by the State of California has approved the plans and specifications for the dam. Construction of the dam shall be under the direction of said approving party.

(000000K2)

PERMIT TERM L San Lorenzo River Watershed

When Used: Permits in the San Lorenzo River watershed when an individual sewage disposal system might be used.

Term:

Permittee shall not dispose of any water diverted under this permit by an individual sewage disposal system unless approval of said system has been obtained from the County of Santa Cruz, and provided further that said system is in compliance with the Water Quality Control Plan for the Central Coastal Basin as amended from time to time by the California Regional Water Quality Control Board, Central Coast Region.

(000000L)

PERMIT TERM M Reserved Jurisdiction – Unforeseen Impacts

When Used: In permits when information is not available to adequately determine the impact of the project on fish and wildlife resources.

Term:

The State Water Resources Control Board reserves jurisdiction in the public interest to modify the terms and conditions of this permit, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife. Board action will be taken only after notice to interested parties and opportunity for hearing.

(000000M)

PERMIT TERM N Subject to Watermaster

When Used: In adjudicated areas where a watermaster supervises distribution of water.

Term:

Diversion of water under this permit shall be subject to regulation by the watermaster appointed to enforce the terms of the ____ Decree.

(000000N)

PERMIT TERM P Prior Pueblo Right of City of San Diego

When Used: In permits for storage that may be subject to San Diego's pueblo right.

Term:

In recognition of the prior Pueblo right of the City of San Diego, permittee shall, upon request by the City, release water stored in the reservoir under this permit.

(000000P)

Note: Permit shall also include standard permit terms 43 and 47.

PERMIT TERM Q Calaveras River Watershed above New Hogan Reservoir

When Used: Small local non-stockwatering permits issued after July 19, 1984 (See D-1601 and 1603).

Term:

The amount of water diverted under this permit shall be deducted from the amount of water authorized for diversion under Permit 15012 issued to Calaveras County Water District pursuant to Application 11792A

(000000Q)

PERMIT TERM R Measuring Devices – Direct Diversion

When Used: For direct diversion when a formal record of the quantity of water diverted is desired.

Term:

Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure (the instantaneous rate of diversion and cumulative quantity of water diverted under this permit)^a. (the daily quantity of water diverted under this permit)^b. A record of such measurements shall be maintained by the permittee, and made available to interested parties upon reasonable request. (A copy of the records shall be submitted to the State Water Resources Control Board with the annual "Progress Report by Permittee")^c.

Permittee shall allow (name of party), or a designated representative, reasonable access to measuring devices for the purpose of verifying measurement readings.

- a) for direct diversion in cubic feet per second or gallons per minute.
- b) for direct diversion in gallons per day.
- c) Use when it is anticipated that the measurement records will definitely be needed by the Board.

(000000R)

PERMIT TERM S Maintain Existing Outlet Pipe

When Used: Permits for reservoirs containing an existing outlet pipe.

Term:

Permittee shall maintain the existing outlet pipe [through the dam) or (for _____ Reservoir)] in proper working order.

(000000S)

PERMIT TERM T Subject to Specified Prior Right

When Used: To identify explicitly individual prior appropriative rights issued by the Board.

Term:

This permit is specifically subject to the prior right of name under appropriation issued pursuant to Application ____.

(000000T)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. Permittee shall maintain records of the amount of water diverted and used to enable SWRCB to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605. (0000015)
- B. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- C. Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued. (0000010)
- D. Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- E. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated;

(2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

F. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

G. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit. (0000014)

H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game. (0000063)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).